



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12812

Our File Reference Number: Farm 1078/2, Paarl Division

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

**PER E-MAIL:** [REDACTED]

Sir / Madam

## **APPLICATION FOR A CONSENT USE: FARM 1078/2, PAARL DIVISION**

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
  - 2.1 That the application made in terms of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Farm 1078/2, Paarl Division for the following:
    - 2.1.1 **Consent Use** in terms of Section 15 (2) (o) of the said By-law, for Tourist Facility to operate a wine tasting and sales with light meals (for a maximum of 60 patrons) within the existing barn

**BE APPROVED** in terms of Section 60 of the said Bylaw, subject to conditions in terms of Section 66 of the said Bylaw.

### **3. Conditions of approval:**

- 3.1 The approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

3.2 The development shall be implemented substantially in accordance with the Site and Floor Layout Plans referenced as Drawing plans No: H2981 – 01 FP, drawn by J Hoffman and The Licence Co., dated 28/04/2021 attached as **Annexure C**.

3.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

3.4 The tourist facility should be subservient to the dominant agricultural use of the property.

3.5 The proposed tourist facility shall be limited to 250m<sup>2</sup> as indicated on attached Floor Layout Plans in **Annexure C**.

3.6 The use hereby permitted shall only be operated between 10:00 and 17:30.

3.7 The conditions noted in the letter dated 29/10/2021 from the Cape Winelands District Municipality attached as **Annexure I** be complied with.

3.8 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.

3.9 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.

**4. The reasons for the above decision are as follows:**

4.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape.

4.2 The development proposal will have no negative impact on the agricultural potential of the subject land unit as no viable agricultural land will be lost.

4.3 The area on which the proposed land use activity is to be located is not used for agricultural purposes and thus the proposed use will have no impact on the existing agricultural activities taking place on the property.

5. **Matters to be noted:**

5.1 That the Dirkie Uys Road will in future be widened to create a 13m road reserve. The boundary of Farm 1078/2 adjacent to Dirkie Uys Street must make provision to allow this future road widening in future. Please take this into account when planning any infrastructure or structures related to this development.

5.2 The relevant liquor license be obtained prior to the distribution and sale of liquor from the subject property.

6. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

7. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

(a) The personal particulars of the Appellant, including:

- (I) First names and surname;
- (II) ID number;
- (III) Company of Legal person's name (if applicable)
- (IV) Physical Address;
- (V) Contact details, including a Cell number and E-Mail address;

(b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

(c) The grounds of the appeal which may include the following grounds:

- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
- (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.

(d) whether the appeal is lodged against the whole decision or a part of the decision;

- (e) if the appeal is lodged against a part of the decision, a description of the part;
- (f) if the appeal is lodged against a condition of approval, a description of the condition;
- (g) the factual or legal findings that the appellant relies on;
- (h) the relief sought by the appellant; and
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
- (j) That the appeal includes the following declaration by the Appellant:

- (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

8. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: [landuse.appeals@ Stellenbosch.gov.za](mailto:landuse.appeals@ Stellenbosch.gov.za)
9. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
10. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
11. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
  - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.

- (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
- (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
- (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.

12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

13. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

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**FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

19/2022

DATE:

COPIES TO OBJECTORS:

1. [REDACTED]

E-mail: [REDACTED]

2. [REDACTED]

E-mail: [REDACTED]



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## **ANNEXURE C**

SITE DEVELOPMENT PLAN

**APPLICATION FOR  
TECHNICAL APPROVAL:  
PORTION 2 OF FARM NO.  
1078 PAARL**

APPLICANT : OINK WINES (PTY) LTD  
TRADING NAME : PIGCASSO

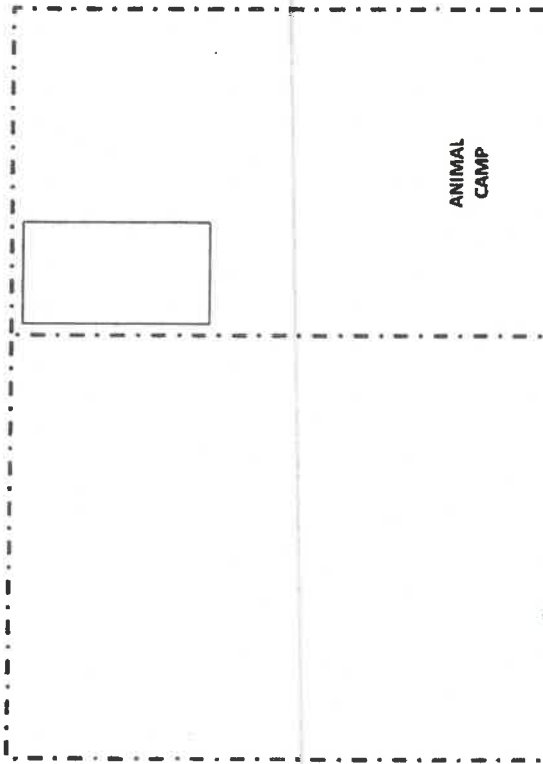
PREMISES : REMAINING EXTENT OF  
PORTION 2 OF THE FARM NO 1078,  
FRANSCHHOEK, DIVISION PAARL,  
STELLENBOSCH MUNICIPALITY,  
ALSO KNOWN AS PIGCASSO, DIRKIE  
UYS STREET, FRANSCHHOEK,  
WESTERN CAPE PROVINCE

**PROJECT : FLOOR PLAN**

DESIGNER : THE LICENCE CO  
DATE : 28.04.2021  
OFFICE : CAPE TOWN

**PROPOSED TOURIST FACILITY AREAS**

FRONT PATIO = 48m<sup>2</sup>  
CENTRAL AREA = 105m<sup>2</sup>  
BACK PATIO = 48m<sup>2</sup>  
GRASS AREA = 49m<sup>2</sup>  
TOTAL AREA 250m<sup>2</sup>



ANIMAL  
CAMP

GRASS  
DINING AREA  
49m<sup>2</sup>

TOOL  
SHED

KITCHEN

STALL 1  
STORAGE  
AREA

105m<sup>2</sup>  
TASTING  
AREA

DISPLAY  
TABLE

WC

TOILET

DISPENSARY  
CABINET

BACK  
ENTRANCE

BACK  
PATIO

24m<sup>2</sup>

STALL 2

STALL 3

STALL 6

STALL 5

FRONT  
PATIO

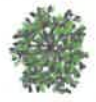
24m<sup>2</sup>

FRONT  
ENTRANCE

DELIVERY  
AREA

GRAVEL ACCESS ROAD FROM DIRKIE UYS STREET

PARKING AREA





**GENERAL NOTES:**

1. ALL MATERIALS, METHODS, EQUIPMENT AND TECHNIQUES TO BE USED IN THE CONSTRUCTION OF THIS PROJECT SHALL BE APPROVED BY THE ARCHITECT.
2. ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE.
3. ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE.
4. ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE.
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20. ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE.

**GENERAL NOTES (CONT.):**

21. ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE.
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38. ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE.
39. ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE.
40. ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE.

**APPROVED FOR CONSTRUCTION**

Project: [Redacted]

Date: [Redacted]

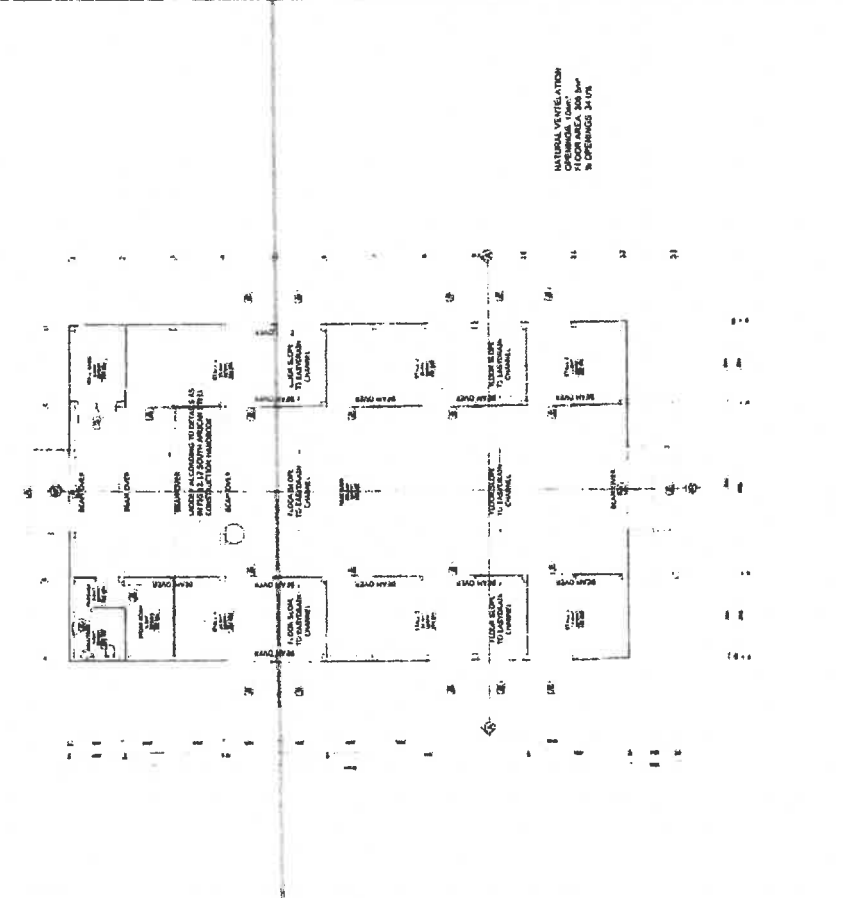
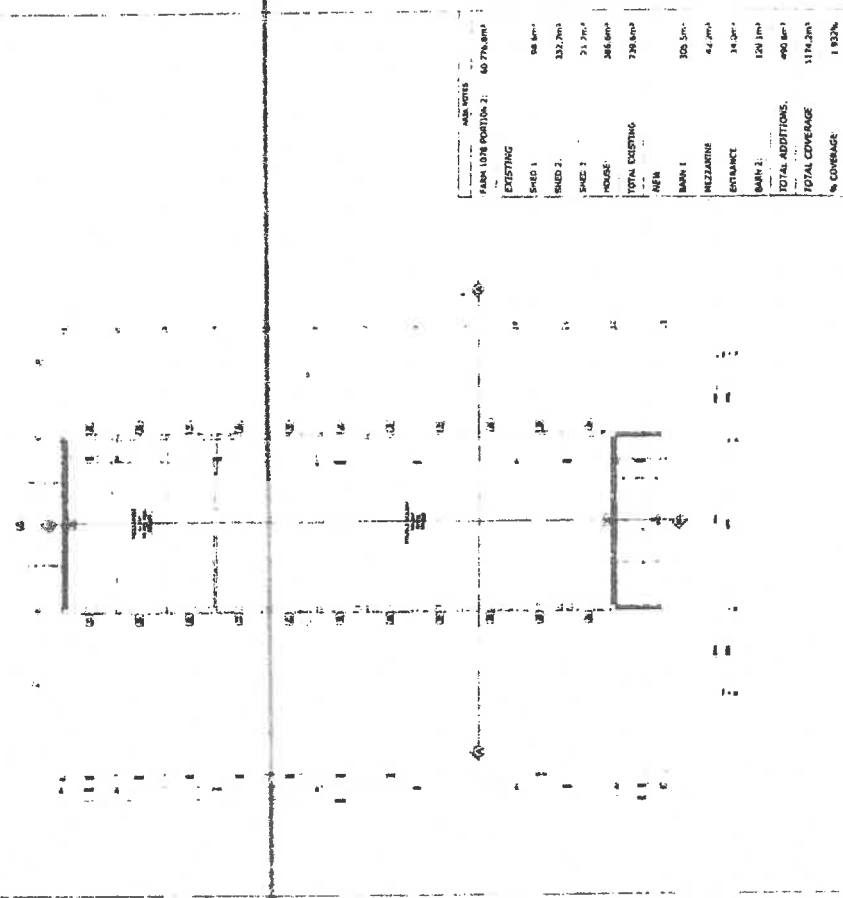
Signature: [Redacted]

Scale: AS BUILT

Checked: [Redacted]

Drawn: [Redacted]

Project No: 112581-01 EP



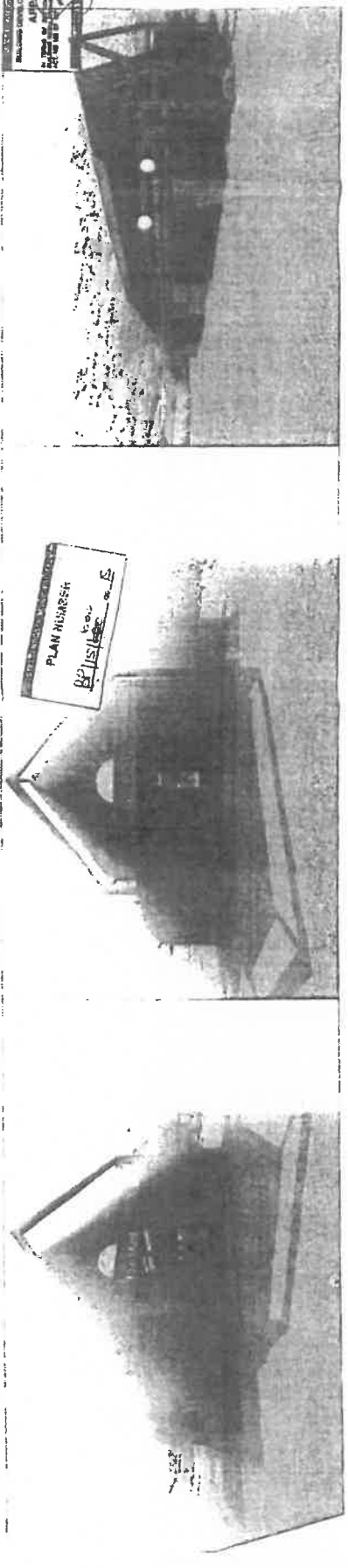
**MEASUREMENTS:**

ITEM	MEASUREMENT
EXISTING	60.774.00M <sup>2</sup>
MEZZANINE	4.7.70M <sup>2</sup>
BARN 1	33.2.70M <sup>2</sup>
BARN 2	31.7.70M <sup>2</sup>
HOUSE	34.6.60M <sup>2</sup>
TOTAL EXISTING	135.0.60M <sup>2</sup>
MEZZANINE	4.7.70M <sup>2</sup>
BARN 1	33.2.70M <sup>2</sup>
BARN 2	31.7.70M <sup>2</sup>
HOUSE	34.6.60M <sup>2</sup>
TOTAL ADDITIONS	490.00M <sup>2</sup>
TOTAL COVERAGE	1174.20M <sup>2</sup>
% COVERAGE	1.932%

MEASUREMENTS:  
 FLOOR AREA: 304.00M<sup>2</sup>  
 % OPENINGS: 3.41%

**FLOOR LAYOUT : MEZZANINE : BARN 1**  
 SCALE 1:100

**FLOOR LAYOUT : GROUND FLOOR : BARN 1**  
 SCALE 1:100





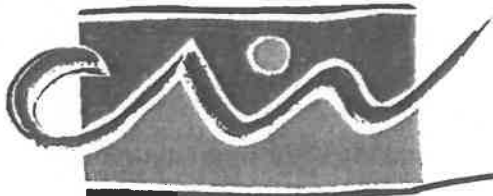
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## **ANNEXURE I**

COMMENT FROM THE CAPE WINELANDS DISTRICT:

HEALTH OFFICER



**CAPE WINELANDS DISTRICT**  
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

MEMORANDUM TO/ AAN : N. Katts  
(Directorate Planning Economic & Development: Stellenbosch Municipality)  
Official / Beampte : Mr F.C. van Wyk  
Your ref/ U vrew. : Farm 1078/2, Franschoek  
Ref No / Verw. No : 15/2/6/1  
Date / Datum : 2021-10-29

STELLENBOSCH MUNICIPALITY  
PLANNING AND DEVELOPMENT SERVICE

**APPLICATION FOR TEMPORARY DEPARTURE: ERF 1078/2, FRANSCHHOEK NOV 2021**

There are no objections from an Environmental Health point of view to this application, subject to compliance with the following:

RECEIVED

1. All sewage / wastewater must be disposed of in such a manner that it does not create a health nuisance. Must be connected to the existing municipal system.
2. The applicant should apply for the Refuse Removal Service from Stellenbosch Municipality or alternately an adequate waste removal service must be used. Refuse bins must be strategically placed and accessible to the public.
3. In the event where food will be prepared or handled and or served to the public, the applicant must apply in writing to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability in terms of Regulation 962 of 23 November 2012.
4. Strict adherence to all COVID-19 related guidelines and Regulations to be observed.
5. In the event where any noise generating activity will be conducted on the premises, the onus lies on the owner to ensure that the necessary noise evaluation is carried out and that the results are submitted to local authority (SANS 10103 of 2003)
6. An adequate water supply that complies with the national standards for drinking water (SANS 0241:2001) must be provided. It is advised that bottled water also be made available to the participants of this event.

SCANNING  
E1078/2 P  
716363

Yours faithfully

**F.C. VAN WYK**  
for MUNICIPAL MANAGER



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## **ANNEXURE J**

COMMENTS FROM THE DIRECTORATE: ENGINEERING  
SERVICES

12



**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH · PNIEL · FRANSCHHOEK

**MEMORANDUM**

**DIREKTEUR: INFRASTRUKTUURDIENSTE**  
**DIRECTORATE: INFRASTRUCTURE SERVICES**

**To ▫ Aan:** Director: Planning + Economic Development

**Att Aandag** Nicole Katts

**From ▫ Van:** Manager: Development (Infrastructure Services)

**Author ▫ Skrywer:** Tyrone King

**Date ▫ Datum:** 6 Aug 2021

**Our Ref ▫ Ons Verw:** Civil LU 2194

**Your Ref:** LU/12812

**Re ▫ Insake:** Farm 1078-2, Paarl: Consent Use for a tourist facility in the form of wine tasting and sales with light meals (for a maximum of 60 patrons), within the existing barn

STELLENBOSCH MUNICIPALITY  
PLANNING AND DEVELOPMENT SERVICES

04 OCT 2021

RECEIVED

The application is recommended for approval, subject to the following:

1. **Civil Engineering Services**
  - 1.1 No objection, no municipal services are affected.
2. **Roads**
  - 2.1 Please note that the Dirkie Uys Road will in future be widened to create a 13m road reserve. The boundary of Farm 1078/2 adjacent to Dirkie Uys Street must make provision to allow this future road widening in future. Please take this into account when planning any infrastructure or structures related to this development.
3. **Development Charges (DCs)**
  - 3.1 The following DC's are payable for the increased demand of services caused by the tourist facility: See **Development Charge Calculation** attached.

F1078/2P

714635

]

3.2 The DC's were calculated by using the 2021/2022 tariff structure. If DC's are paid after 30 June 2022 it will have to be recalculated by using the tariff structure applicable at date of payment.

3.3 The appropriate DC's are payable before building plan approval (consent use/sectional title).

**4. Electrical Engineering (Martin Slabber – Supt Dwarsrivier Elect)**

4.1 Refer to **Annexure: Electrical**



**Tyrone King Pr Tech Eng  
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

W:\2.0 DEVELOPMENT\00 Developments\2194 (TK) Farm 1078-2 Paarl (LU-12812)\2194 (TK) Farm 1078-2 Paarl (LU-12812).doc

Engineering

# Stellenbosch Municipality - Development Charge Calculation



## APPLICATION INFORMATION

Application Number	DC 2194 (TK) Farm 1078-2 Paarl (LU-12812)
Date	Friday, 06/Aug/2021
Financial Year	2021/22
Erf Location	Stellenbosch
Erf No	1078-2
Erf Size (m <sup>2</sup> )	
Suburb	
Applicant	
Approved Building Plan No.	

## SUMMARY OF DC CALCULATION

Unit(s)	Water kl/day	Sewer kl/day	Storm-water ha°C	Solid-Waste t/week	Roads trips/day	Community Facilities person	Totals
Total Increased Services Usage	1,000	0,875	0,020	0,100	22,50	22,5	
Total Development Charges before Deductions		R 14 647,14		R 5 753,10	R 187 346,79		R 187 747,03
Total Deductions							
Total Payable (excluding VAT)		R 14 647,14		R 5 753,10	R 187 346,79		R 187 747,03
VAT		R 2 197,07		R 862,97	R 25 102,02		R 28 162,05
Total Payable (including VAT)		R 16 844,21		R 6 616,07	R 192 448,80		R 215 909,09

## APPLICANT INFORMATION

Application Processed by:	Tyrone King
Signature	Water: Borehole; Sewer - municipal; Conversion of existing building - no new additions.
Date	As above
Amount Paid:	
Date Payment Received	
Receipt Number	

**Franschhoek**

Land Use Category	Unit Type	Existing Usage		Proposed New Usage		Intervolupt Usage	Water	Sewer	Storm-water	On-site primary Charge (incl VAT)		Roads	Community Facilities	Total
		du	m2 GLA	du/ha	% GLA					du	m2 GLA			
Residential	Single Residential >1000m2	du	0	0	0	0	R	R	R	R	R	R	R	R
	Single Residential >500m2	du	0	0	0	0	R	R	R	R	R	R	R	R
	Single Residential >250m2	du	0	0	0	0	R	R	R	R	R	R	R	R
	Single Residential <250m2	du	0	0	0	0	R	R	R	R	R	R	R	R
	Less Formal Residential >250m2	du	0	0	0	0	R	R	R	R	R	R	R	R
	Less Formal Residential <250m2	du	0	0	0	0	R	R	R	R	R	R	R	R
	Group Residential >250m2	du	0	0	0	0	R	R	R	R	R	R	R	R
	Group Residential <250m2	du	0	0	0	0	R	R	R	R	R	R	R	R
	Medium Density Residential >250m2	du	0	0	0	0	R	R	R	R	R	R	R	R
	Medium Density Residential <250m2	du	0	0	0	0	R	R	R	R	R	R	R	R
Commercial	High Density Residential - flats	du	0	0	0	0	R	R	R	R	R	R	R	R
	High Density Residential - student rooms	du	0	0	0	0	R	R	R	R	R	R	R	R
	Local Business - office	m2 GLA	0	0%	0	0%	R	14 647.14	R	5 753.10	R	167 346.79	R	187 747.03
	Local Business - retail	m2 GLA	0	0%	0	0%	R	0	R	0	R	0	R	0
	General Business - office	m2 GLA	0	0%	0	0%	R	0	R	0	R	0	R	0
	General Business - retail	m2 GLA	0	0%	0	0%	R	0	R	0	R	0	R	0
	Community	m2 GLA	0	0%	0	0%	R	0	R	0	R	0	R	0
	Education	m2 GLA	0	0%	0	0%	R	0	R	0	R	0	R	0
	Light Industrial	m2 GLA	0	0%	0	0%	R	0	R	0	R	0	R	0
	General Industrial - light	m2 GLA	0	0%	0	0%	R	0	R	0	R	0	R	0
Industrial	Warehousing	m2 GLA	0	0%	0	0%	R	0	R	0	R	0	R	0
	General Industrial - heavy	m2 GLA	0	0%	0	0%	R	0	R	0	R	0	R	0
	General Industrial - heavy	m2 GLA	0	0%	0	0%	R	0	R	0	R	0	R	0
	Noxious Industrial - heavy	m2 GLA	0	0%	0	0%	R	0	R	0	R	0	R	0
	Report	m2 GLA	0	0%	0	0%	R	0	R	0	R	0	R	0
	Public Open Space	m2	0	0%	0	0%	R	0	R	0	R	0	R	0
	Private Open Space	m2	0	0%	0	0%	R	0	R	0	R	0	R	0
	Natural Environment	m2	0	0%	0	0%	R	0	R	0	R	0	R	0
	Utility Services	m2 GLA	0	0%	0	0%	R	0	R	0	R	0	R	0
	Public Roads and Parking	m2	0	0%	0	0%	R	0	R	0	R	0	R	0
Other	Transport Facility	m2	0	0%	0	0%	R	0	R	0	R	0	R	0
	Limited Use	m2	0	0%	0	0%	R	0	R	0	R	0	R	0
	To be calculated based on equivalent demands													
Special		0												

du	m2 GLA	du/ha	% GLA	du	m2 GLA	du/ha	% GLA	Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Total
0	0	0	0%	0	0	0	0%	R0.00	R14 647.14	R0.00	R5 753.10	R167 346.79	0.00	R187 747.03
0	0	0	0%	0	0	0	0%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00
0	0	0	0%	0	0	0	0%	R0.00	R0.00	R0.00	R0.00	R0.00	R0.00	R0.00
0	0	0	0%	0	0	0	0%	R0.00	R14 647.14	R0.00	R5 753.10	R167 346.79	0.00	R187 747.03
0	0	0	0%	0	0	0	0%	R0.00	R2 197.07	R0.00	R862.97	R25 102.02	0.00	R28 162.05
0	0	0	0%	0	0	0	0%	R0.00	R16 844.21	R0.00	R6 516.07	R192 448.80	0.00	R215 909.09
0	0	0	0%	0	0	0	0%							

\*\*\* displays red if not equal to existing area

\* Complete yellow/green cells.

\*\* du = dwelling unit, GLA=Gross lettable area.

Total Development Charges before Deductions

% Deductions per service (%)

% Deductions per service (amount)

Additional Deduction per service - from Service Agreement (€um)

Sub Total after Deductions (excluding VAT)

VAT

Total



**Tyrone King**

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**From:** Martin Slabber  
**Sent:** Thursday, 05 August 2021 08:41  
**To:** Nicole Katts  
**Subject:** RE: FARM 1078/2, PAARL: APPLICATION FOR CONSENT USE - DEPARTMENTAL COMMENTS - ELECTRICAL SERVICES (COMMENTS BY E-MAIL) - LU/12812

GENERAL: None

CONDITIONS: If any electrical services have to move-, remove-, change or upgrade - apply via recoverable cost application, for applicants cost.

Subject to SANS 10142,204-1-2008, energy savings and efficiency implementation and Municipal bylaws - Only existing electrical connection is available.

1.Installation of 10A electrical control units 2.Solar water heating/heat pump installation 3.Energy efficient lighting  
4.Roof insulation 5.Cooking with gas fired appliances 6.Control air condition equipment with energy saving devices 7.Preat at least 50% of hot water with alternative energy savings devices

TX

**Groete:**  
**Martin Slabber**  
**Supt. Dwarsrivier Elect.**  
Engineering Services

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**From:** Nicole Katts <Nicole.Katts@ Stellenbosch.gov.za>  
**Sent:** Wednesday, 04 August 2021 11:15  
**To:** Martin Slabber <Martin.Slabber@ Stellenbosch.gov.za>; Bradley Williams <Bradley.Williams@ Stellenbosch.gov.za>